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A34614-A-PCT-USA-A (070050.1921)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher
Serial No. : 10/055,475 Examiner : Not Yet Assigned
Filed : January 22, 2002 Group Art Unit: 1636
For : MDA-5 AS AN ANTIVIRAL AND ANTIPROLIFERATIVE
AGENT

PETITION TO AMEND DRAWING
PURSUANT TO 37 C.F.R. § 1.121(d)

EXPRESS MAIL LABEL NO.: ET346773530US

September 24, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: Missing Parts

Sir:

Pursuant to 37 C.F.R. § 1.121(d), Applicants herein petition to amend Figure 3 of the above-identified application. Due to technical errors, two omissions were made to Figure 3: (1) one cluster of 10 nucleotides was inadvertently omitted from the thirteenth row of the first column of nucleotide clusters, and (2) the first nucleotide was inadvertently omitted each of the nucleotide clusters appearing in each row of the second through fifth columns.

Applicants herewith submit a corrected version of the figure, with the corrections marked in red on the attached version of the marked-up copy of the original Figure 3. Applicants assert that this amendment to Figure 3 is fully supported by the existing specification, because 1) the correct sequence of the mda-5 promoter depicted in Figure 3 was fully disclosed in the specifications, the Sequence Listings and the drawings of both International Patent Application PCT/US01/06960 and United States Patent Application Serial Number 09/515,363, the parent applications from which this continuation-in-part

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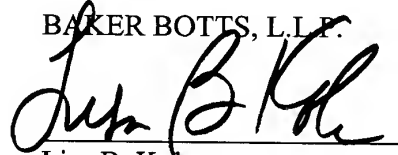
application claims priority, and 2) the full disclosure of these parent applications was incorporated into the instant application in their entireties by reference. Applicants therefore assert that this amended figure does not constitute new matter.

Applicants respectfully request that this petition be granted, and that the corrections to Figure 3 be entered and entitled to this application's filing date of January 22, 2002.

The Commissioner is hereby authorized to charge payment of fees, or to credit any overpayment to Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS, L.L.P.

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole

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Enclosures